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 MAGNOLIA HI-FI, INC.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

IN RE: CATHODE RAY TUBE (CRT)  
 ANTITRUST LITIGATION

Master Case No.: 3:07-cv-05944-SC  
 MDL No. 1917

This document relates to:

*Electrograph Systems, Inc. et al. v.*  
*Technicolor SA, et al., No. 13-cv-05724;*

*Alfred H. Siegel, as Trustee of the Circuit City*  
*Stores, Inc. Liquidating Trust v. Technicolor*  
*SA, et al., No. 13-cv-05261;*

**DECLARATION OF VINCENT S. LOH  
 IN SUPPORT OF DIRECT ACTION  
 PLAINTIFFS' ADMINISTRATIVE  
 MOTION TO FILE UNDER SEAL  
 PURSUANT TO CIVIL LOCAL RULES  
 7-11 AND 79-5**

Before the Honorable Samuel Conti

1 *Best Buy Co., Inc., et al. v. Technicolor SA, et*  
2 *al., No. 13-cv-05264;*

3 *Interbond Corporation of America v.*  
4 *Technicolor SA, et al., No. 13-cv-05727;*

5 *Office Depot, Inc. v. Technicolor SA, et al., No.*  
6 *13-cv-05726;*

7 *Costco Wholesale Corporation v. Technicolor*  
8 *SA, et al., No. 13-cv-05723;*

9 *P.C. Richard & Son Long Island Corporation,*  
10 *et al. v. Technicolor SA, et al., No. 13-cv-*  
11 *05725;*

12 *Schultze Agency Services, LLC, o/b/o Tweeter*  
13 *Opco, LLC, et al. v. Technicolor SA, Ltd., et*  
14 *al., No. 13-cv-05668;*

15 *Sears, Roebuck and Co. and Kmart Corp. v.*  
16 *Technicolor SA, No. 3:13-cv-05262;*

17 *Target Corp. v. Technicolor SA, et al., No. 13-*  
18 *cv-05686*

1 I, Vincent S. Loh, declare that:

2 1. I am a member in good standing of the State Bar of California and am admitted to  
3 practice before this Court. Except for those matters stated on information and belief, which I  
4 believe to be true, I have personal knowledge of the facts recited in this declaration and, if called  
5 upon to do so, I would competently testify under oath thereto.

6 2. I am an attorney in the law firm of Robins, Kaplan, Miller & Ciresi L.L.P., counsel  
7 of record for Plaintiffs Best Buy Co., Inc.; Best Buy Purchasing LLC; Best Buy Enterprise  
8 Services, Inc.; Best Buy Stores, L.P.; Bestbuy.Com, L.L.C.; and Magnolia Hi-Fi, LLC  
9 (collectively "Best Buy"), in the above-captioned lawsuit.

10 3. On February 10, 2014, the Direct Action Plaintiffs ("DAPs")<sup>1</sup> filed their  
11 Opposition to Thomson SA's Motion to Dismiss ("Opposition"). Filed contemporaneously with  
12 the Opposition was the Declaration of Vincent S. Loh ("Loh Declaration"), which attaches  
13 evidence in support of the Opposition.

14 4. Portions of the DAPs' Opposition, and the entirety of exhibits A through H and O  
15 through U to the Loh Declaration ("Designated Exhibits"), contain excerpts from and/or  
16 statements derived from documents and testimony which have been designated "confidential" or  
17 "highly confidential" pursuant to the Stipulated Protective Order governing the CRT Antitrust  
18 MDL, which was entered by Judge Samuel Conti on June 18, 2008 (Document No. 306). The  
19 confidential/highly confidential designations were made by certain defendants in the CRT  
20 Antitrust MDL. To qualify as confidential or highly confidential under the Stipulated Protective  
21 Order, the information must contain trade secrets or other confidential research, development or  
22 commercial information or private or competitively sensitive information. (¶1)

23  
24  
25 <sup>1</sup> The Direct Action Plaintiffs include the following plaintiffs: Best Buy Co., Inc.; Best Buy  
26 Purchasing LLC; Best Buy Enterprise Services, Inc.; Best Buy Stores, L.P.; BestBuy.com,  
27 L.L.C.; Magnolia Hi-Fi, LLC; Electrograph Systems, Inc.; Electrograph Technologies, Corp.;  
28 Office Depot, Inc.; Interbond Corporation of America; P.C. Richard & Son Long Island  
Corporation; MARTA Cooperative of America, Inc.; ABC Appliance, Inc.; Shultze Agency  
Services, LLC; Alfred H. Siegel, solely in his capacity as Trustee of the Circuit City Stores, Inc.  
Liquidating Trust; Costco Wholesale Corporation; Sears Roebuck and Co. and Kmart Corp.; and  
Target Corp.

5. The Stipulated Protective Order requires that a party may not file any confidential material in the public record (§10). The Stipulated Protective Order further provides that any party seeking to file any confidential material under seal must comply with Civil Local Rule 79-5 (§1, 10.)

6. Portions of the Opposition to Thomson SA's Motion to Dismiss and the entirety of the Designated Exhibits contain such confidential material and, pursuant to Local Rule 79-5(e), the DAPs seek to submit the above material under seal in good faith in order to comply with the Protective Order in the CRT Antitrust MDL and the applicable Local Rules. Specifically:

7. Pages 3, 4, 5, 7, 8, 14, and 16 of the Opposition refer, contain, and/or reflect excerpts of documents and testimony that have been designated as "Confidential" or "Highly Confidential" pursuant to the Stipulated Protective Order.

8. Exhibit A is a true and correct copy of the original document and its certified translation, Bates Numbered SDCRT-0006632 and SDCRT-0006632E, produced by Samsung SDI on approximately June 18, 2010 with the custodian designation of K.C. Oh, designated by counsel for Samsung SDI as "Privileged and Confidential" or "Highly Confidential."

9. Exhibit B is a true and correct copy of excerpts from Samsung SDI's Supplemental Response to Direct Purchaser Plaintiffs' First Set of Interrogatories, Nos. 4 and 5 (Oct. 17, 2011), designated by counsel for Samsung SDI as "Confidential."

10. Exhibit C is a true and correct copy of a document, Bates Numbered TAEC-CRT-00116979, produced by Toshiba America Electronic Components, Inc. ("TAEC") on approximately Aug. 31, 2011 with the custodian designation of Sean Collins, designated by counsel for TAEC as "Highly Confidential."

11. Exhibit D is a true and correct copy of a document, Bates Numbered SDCRT-0088604, produced by Samsung SDI on approximately Sept. 19, 2011 with the custodian designation of Samsung SDI, designated by counsel for Samsung SDI as "Highly Confidential."

12. Exhibit E is a true and correct copy of the original document and its certified translation, Bates Numbered MTPD-0426066 and MTPD-0426066E, produced by Panasonic

1 Corporation on approximately Oct. 17, 2011 with the custodian designation of Koichi Nishiyama,  
2 designated by counsel for Panasonic Corporation as “Confidential.”

3 13. Exhibit F is a true and correct copy of the original document and its certified  
4 translation, Bates Numbered SDCRT-0002526 and SDCRT-0002526E, produced by Samsung  
5 SDI on approximately Dec. 8, 2010, designated by counsel for Samsung SDI as “Privileged and  
6 Confidential” or “Highly Confidential.”

7 14. Exhibit G is a true and correct copy of the original document and its certified  
8 translation, Bates Numbered SDCRT-0002585 and SDCRT-0002585E, produced by Samsung  
9 SDI on approximately Dec. 8, 2010, designated by counsel for Samsung SDI as “Privileged and  
10 Confidential” or “Highly Confidential.”

11 15. Exhibit H is a true and correct copy of the original document and its translation,  
12 Bates Numbered CHU00030040 and CHU00030040E, produced by Chunghwa Picture Tubes,  
13 Ltd. on approximately March 8, 2010, designated by counsel for Chunghwa Pictures Tubes, Ltd.  
14 as “Confidential.”

15 16. Exhibit O is a true and correct copy of a document, Bates Numbered TAEC-CRT-  
16 00095077, produced by TAEC on approximately Aug. 31, 2011 with the custodian designation of  
17 Sean Collins, designated by counsel for TAEC as “Highly Confidential.”

18 17. Exhibit P is a true and correct copy of a document, Bates Numbered TAEC-CRT-  
19 00090061, produced by TAEC on approximately Aug. 31, 2011 with the custodian designation of  
20 Sean Collins, designated by counsel for TAEC as “Confidential.”

21 18. Exhibit Q is a true and correct copy of a document, Bates Numbered TAEC-CRT-  
22 00095072, produced by TAEC on approximately Aug. 31, 2011 with the custodian designation of  
23 Sean Collins, designated by counsel for TAEC as “Highly Confidential.”

24 19. Exhibit R is a true and correct copy of a document, Bates Numbered TAEC-CRT-  
25 00086226, produced by TAEC on approximately Aug. 31, 2011 with the custodian designation of  
26 Sean Collins, designated by counsel for TAEC as “Highly Confidential.”  
27  
28

20. Attached hereto as Exhibit S is a true and correct copy of a document, Bates Numbered TAEC-CRT-00094042, produced by TAEC on approximately Aug. 31, 2011 with the custodian designation of Sean Collins, designated by counsel for TAEC as "Highly Confidential."

21. Exhibit T is a true and correct copy of a document, Bates Numbered TAEC-CRT-00095092, produced by TAEC on approximately Aug. 31, 2011 with the custodian designation of Sean Collins, designated by counsel for TAEC as "Confidential."

22. Exhibit U is a true and correct copy of document, Bates Numbered HEDUS-CRT00162777, produced by Hitachi Electronic Devices (USA), Inc. ("HEDUS") on approximately Dec. 16, 2011 with the custodian designation of Tom Heiser, designated by counsel for HEDUS as "Confidential."

23. Therefore, Plaintiffs respectfully request an order sealing portions of the Opposition and the entirety of the Designated Exhibits in this case.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct.

Executed this 10th day of February, 2014, at Los Angeles, California.



Vincent S. Loh